

REMARKS/ARGUMENTS

Applicants amended claims 8 and 9 to overcome the Examiner's antecedent basis objection on pg. 2 of the Second Office Action.

1. Claims 1, 6-10, 14, 19, 20, 25-29, 33, 38, 39, 44-48, 52, and 57 are Patentable Over the Cited Art

The Examiner rejected claims 1, 6-10, 14, 17-20, 25-29, 33, 36-39, 44-48, 52, and 55-57 as obvious (35 U.S.C. §103(a)) over Waytena (U.S. Patent No. 5,978,770) in view of Wolzien (U.S. Pub. No. 2003/0212996). Applicants traverse with respect to the pending claims.

Amended claims 1, 20, and 39 concern transmitting information to a wireless device, and require: determining a current location of the wireless device; determining whether the current location is within a proximity to a target location; accessing scheduled event records for a user of the wireless device in response to determining that the current location is within proximity to the target location, wherein each scheduled event record indicates one event scheduled for a calendar time period; processing the scheduled event records for the user to determine whether the user is available to visit the target location; if the current location is within the proximity to the target location and the user is available to visit the target location, then transmitting information to the wireless device on offerings available at the target location.

Applicants amended claims 1, 20, and 39 to include requirements from claim 2, 21, and 40. The added requirements recite accessing scheduled event records for a user of the wireless device in response to determining that the current location is within proximity to the target location, wherein each scheduled event record indicates one event scheduled for a calendar time period and processing the scheduled event records for the user to determine whether the user is available to visit the target location. Further the information is transmitted if the user is available to visit the proximate target location. Applicants further added the requirement that the scheduled event records are accessed in response to determining that the current location is within proximity.

With respect to the requirements of claims 2, 21, and 40 added to claims 1, 20, and 39, the Examiner cited col. 2, lines 1-5, col. 1, lines 25-29, and col. 3, lines 34-45 of Cahill (U.S. Patent No. 5,428,784). (Second Office Action, pg. 5) Applicants submit that the cited Cahill in

combination with the other references does not teach or suggest the requirements added to claims 2, 21, and 40.

The cited col. 2 of Cahill mentions that an electronic calendar is searched for a scheduled event overlapping a time of receipt of the message, and a display is sent back to the sender of the message providing information about the scheduled event. The cited col. 1 mentions a problem when an address is not present to view a sent message. The cited col. 3 mentions that an automatic calendar check is done when data is sent to the address to determine if the current time equals any calendar time scheduled for the addressee. If so, a message is sent to the sender indicating the scheduled time.

The cited Cahill discusses checking a recipient's schedule if a message is sent to the user. Nowhere does the cited Cahill anywhere teach or suggest the claim requirement of accessing scheduled event records for a user of the wireless device to check in response to determining that the current location is within proximity to the target location. Instead, in the cited Cahill, the user's scheduled event records are checked in response to receiving a message. There is no mention or suggestion of accessing scheduled event records to determine whether the user is available to visit a target location in response to determining that the user's current location is within a proximity to the target location.

In the Response to Arguments, the Examiner found that Waytena (col. 8, lines 32-46) teaches determining whether the user is available to visit the target location, by determining whether a user's request for reservation is valid, i.e., whether the user is qualified to attend. (Second Office Action, pgs. 11-12) The cited col. 8 discusses filtering rules to determine whether patron description data indicates whether the patron is allowed to attend the attraction. However, as the Examiner recognizes, the cited Waytena does not teach or suggest processing scheduled event records to determine whether the user is available to visit the location.

Further, the claims also require that the scheduled event records are processed in response to determining that the user's current location is within a proximity to the target location. The Examiner has not cited any part of Waytena that teaches or suggests processing scheduled events or other user information in response to determining that the user's current location is within a proximity to the target location. The cited col. 8 discusses determining whether reservation requests are valid by applying rules to the request for the attraction. Applicants submit that the cited discussion of determining whether a reservation request is valid does not teach or suggest

the claim requirements concerning processing scheduled event records and a current location to determine whether a user is available to visit a proximate target location.

The Examiner found that it would be obvious to modify Waytena's reservation request system to check whether the individual is available based on scheduled event records. (Second Office Action, pg. 12) Applicants submit that even if one were to modify the reservation request of Waytena to check a user's calendar for availability, this modified system still does not teach or suggest the claim requirement of transmitting information on offerings at a target location in response to determining that the user is available to visit the target location. Applicants further submit that there would be no motivation in the cited Waytena to transmit information on offerings to the user in response to determining that the user is available and at a proximate location. Applicants submit that there is no motivation because the user does not need information on offerings available at the target location after the reservation request is made because the user already knows about offerings because they requested the reservation for the offering.

Moreover, the cited Cahill does not teach or suggest a motivation of when to transmit information on offerings to a wireless device when the user is available to visit a target location determined to be proximate. In the cited Cahill, the message is transmitted to the recipient (LARRY) regardless of the recipient's availability, however the recipient's calendar is checked to alert the sender of the recipient's unavailability. Thus, the cited Cahill, as with Waytena, teaches away from the claim requirement of transmitting information on offerings in response to determining that the user is available to visit the location because in the cited Cahill the message is sent to the recipient (LARRY) regardless of availability. Yet further, the cited Cahill teaches away from the claim requirement of transmitting the information in response to the user being determined to be available because in the cited Cahill, the message is sent to the recipient before checking availability.

Moreover, the amended claims further require that the scheduled event records are checked in response to determining that the wireless device is in proximity to the target location. The Examiner has not cited any part of Cahill nor Waytena that teaches or suggests checking scheduled event records for a user of the wireless device in response to determining that the wireless device is in proximity to a target location. In the cited Cahill, the user's schedule is checked after a message is sent, not after determining proximity to a target location as claimed.

Accordingly, claims 1, 20, and 39 are patentable over the cited art of Waytena, Wolzien, and Cahill because the cited Waytena does not disclose all the claim requirements.

Claims 6-9, 19, 25-28, 38, 44-47, and 57 are patentable over the cited art because they depend from one of claims 1, 20, and 39. The following discussed dependent claims provide additional grounds of patentability over the cited art.

Amended independent claims 10, 29, and 48 concern transmitting information to a wireless device, and require: determining a current location of the wireless device; providing a data structure including event information for each of a plurality of events that occur at event locations; determining whether the current location is within a proximity to at least one of the event locations; accessing scheduled event records for a user of the wireless device in response to determining that the current location is within proximity to the target location, wherein each scheduled event record indicates one event scheduled for a calendar time period; processing the scheduled event records for the user to determine whether the user is available to visit the target location; and if the current location is within the proximity to at least one event location and the user is available to visit the target location, then transmitting event information to the wireless device for the at least one event location that is within the proximity to the wireless device.

Applicants amended claim 10 to include the requirements added to claims 1, 20, and 39. Applicants traverse the rejection of amended claims 10, 29, and 48 for the reasons discussed above with respect to claims 1, 20, and 39.

Claims 14, 33, and 52 are patentable over the cited art because they depend from claims 10, 29, and 48, respectively, which are patentable over the cited art for the reasons discussed above.

2. Claims 2, 3, 15, 16, 21, 22, 34, 35, 40, 41, 53, and 54 are Patentable Over the Cited Art

The Examiner rejected claims 2, 3, 15, 16, 21, 22, 34, 35, 40, 41, 53, and 54 as obvious (35 U.S.C. §103(a)) over Waytena in view of Cahill (U.S. Patent No. 5,428,784). Applicants traverse. Applicants canceled claims 2, 21, and 40 and added their requirements to claims 1, 20, and 39.

Claims 3, 22, and 41 are patentable over the cited art because they depend from one of claims 1, 20, 39, which are patentable over the cited art for the reasons discussed above.

Independent claims 15, 34, and 53 concern processing information at a wireless device, and require: receiving information broadcasted within a defined region on event offerings at a target location within a proximity to the wireless device for an event time period; accessing scheduled event records for a user of the wireless device in response to receiving the information broadcasted, wherein each scheduled event record indicates one event scheduled for a calendar time period; processing the scheduled event records for the user to determine whether the user is available during the event time period; and presenting the information on the event offerings to the user if the user is determined to be available during the event time period.

Applicants amended these claims to recite that the information is received for offerings at a target location within a proximity to the wireless device. The claims were further amended to recite that the scheduled event records are accessed in response to receiving the information broadcasted and that information is presented on the event offerings.

The Examiner cited the sections of Cahill cited against claims 2, 21, and 40, discussed above with respect to claims 1, 20, and 39. (Second Office Action, pgs. 6, 10-14).

For the reasons discussed with respect to claims 2, 21, and 40, Applicants submit that the cited Cahill and Waytena do not teach or suggest that information on scheduled event records is processed in response to receiving information on event offerings at a proximate target location or that information is presented to the user if the user is determined to be available during the event time period. In the cited Cahill, a sender is notified if the recipient is determined to be unavailable. This aspect of Cahill does not teach presenting information on a event offerings at a proximate target location if the user is determined to be available. Instead, as discussed, the cited Cahill provides the sender information if the recipient is unavailable. Further, the cited reservation request processing of Waytena also does not teach or suggest presenting information to the user if the user is available during the event time period. With the cited reservation request processing of Waytena, there is no need to check whether the user is available to receive the information because the user has selected to make a reservation request. Instead, the cited col. 8 of Waytena discusses other reservation filtering.

Still further, the claims require that the information on the event offering is presented to the user if the user is determined to be available. There is no teaching in Cahill that the user receives the message on the condition that the user is determined to be available. Cahill appears less concerned with whether the recipient receives the message, and more concerned with

whether “a sender will be able to avoid a possible prejudicial situation due to the unavailability of requested information from an address.” (Cahill, col. 3, lines 29-32) The claims are not concerned with providing the party broadcasting information on event offerings with information as to whether the user of the wireless device is available. Instead, the claims concern whether the user is presented with the received information depending on the availability, which is not taught or suggested in the cited art.

Accordingly, claims 15, 34, and 53 are patentable over the cited art because the cited art does not teach or suggest all the claim requirements.

Claims 16, 35, and 54 are patentable over the cited art because they depend from claims 15, 34, and 53, respectively, which are patentable over the cited art for the reasons discussed above.

3. Claims 4, 5, 23, 24, 42, and 43 are Patentable Over the Cited Art

The Examiner rejected claims 4, 5, 23, 24, 42, and 43 as obvious (35 U.S.C. §103(a)) over Waytena, Cahill and further in view of Redmann (U.S. App. No. 2002/0174003). Applicants traverse.

First off, claims 4, 5, 23, 24, 42, and 43 are patentable over the cited art because they depend from one of claims 2, 21, and 40, which are patentable over the cited art for the reasons discussed above. Moreover, the additional requirements of these dependent claims provide further grounds of patentability over the cited art.

Claims 4, 23, and 42 depend from claims 2, 21, and 40 and further require providing a data structure indicating a plurality of time periods during which offerings are available at the target location; and determining whether the user is available to visit the target location within one of the time periods indicated in the data structure, wherein the information is not transmitted if the user is not determined to be available to visit the target location during one of the time periods indicated in the data structure.

The Examiner cited par. Col. 7, lines 45-51 and col. 8, lines 32-46 of Waytena and the previously discussed cols. 1, 2, and 3 of Cahill as teaching the claim requirements of providing a plurality of time periods during which offerings are available, and then determining whether the user is available within one of the time periods indicated in the data structure. (Second Office Action, pg. 8) Applicants traverse.

The cited col. 7 mentions dividing the number of reservations that the patron has confirmed by the total number requested to determine the probability of confirmation. The cited col. 8 discusses determining whether reservation requests are valid. As discussed, determining whether an already requested reservation is valid does not teach or suggest determining whether a user is available such that information on offerings is not transmitted if the user is available.

Accordingly, the additional requirements of claims 4, 23, and 42 provide additional grounds of patentability over the cited art.

4. Claims 11-13, 30-32, and 49-51 are Patentable Over the Cited Art

The Examiner rejected claims 11-13, 30-32, and 49-51 as obvious (35 U.S.C. §103(a)) over Waytena in view of Redmann. Applicants traverse.

First off, claims 11-13, 30-32, and 49-51 are patentable over the cited art because they depend from one of claims 10, 29, and 48, which are patentable over the cited art for the reasons discussed above. Moreover, the additional requirements of these dependent claims provide further grounds of patentability over the cited art.

Claims 11, 30, and 49 depend from claims 10, 29, and 48 and further require accessing event preference information provided by a user of the wireless device indicating events the user selected, wherein determining whether the current location within the proximity to at least one event location further comprises determining whether the event at the event location within the proximity to the current location is indicated in the event preference information, and wherein the transmitted information is for at least one event indicated in the event preference information.

The Examiner cited para. 239 of Redmann with respect to the additional requirements of these claims. (Second Office Action, pg. 9) Applicants traverse.

The cited para. 239 of Redmann mentions determining a desirability field for an event that takes into account the party profile, current attraction's acceptance factors, previous perturbation for this party and attraction, travel time, queue time, etc.

Although the cited para. 239 discusses determining a desirability of an event, nowhere does the cited para. 239 anywhere teach or suggest determining whether the event at the event location within the proximity to the current location is indicated in the event preference information, such that information is transmitted if at least one event is indicated in the event

preference information. Nowhere does the cited Redmann disclose transmitting information to a wireless device as claimed.

Accordingly, the additional requirements of claims 11, 30, and 49 provide additional grounds of patentability over the cited art because the additional requirements of these claims are not taught or suggested in the cited art.

Further, with respect to claims 12, 13, 31, 32, 50, and 51, the cited Redmann may mention determining an order or wait time for events, but nowhere does the cited Redmann teach or suggest that information transmitted to a wireless device includes optimal order or wait time information. Moreover, as the Examiner recognizes, nowhere does the cited Waytena teach or suggest these requirements or transmitting information on events to a wireless device. Thus, the Examiner is proposing modifications of the cited combination that are nowhere taught or suggested in the cited art.

Accordingly, the additional requirements of claims 12, 13, 31, 32, 50, and 51 provide additional grounds of patentability over the cited art because the additional requirements of these claims are not taught or suggested in the cited art.

Conclusion

For all the above reasons, Applicant submits that the pending claims 1, 3-16, 19-20, 22-35, 38, 40, 42-54, and 57 are patentable over the art of record. Applicants have not added any claims. Nonetheless, should any additional fees be required, please charge Deposit Account No. 09-0447.

The attorney of record invites the Examiner to contact him at (310) 553-7977 if the Examiner believes such contact would advance the prosecution of the case.

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